Journal of the Senate

SECOND REGULAR SESSION

SEVENTH DAY—MONDAY, JANUARY 21, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"I have taught you the way of wisdom; I have led you in the paths of uprightness. When you walk your step will not be hampered; and if you run, you will not stumble." (Proverbs 4:11-12)

Gracious God, we remember Your servant Martin Luther King who walked in the path that You led him to take, to teach us to love one another and not let race or color or labels get in the way of doing what You have taught us is right. Help each of us to continue along this path so our work here may help and direct all men and women to the path of righteousness and courage. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 17, 2002, was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bentley Bland Caskey Cauthorn Childers DePasco Dougherty Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senators—None

Vacancies-1

RESOLUTIONS

Senator Quick offered Senate Resolution No. 919, regarding Michael B. Anderson, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 920, regarding Matthew Jared Martin, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 921, regarding Anthony Tyton Mead, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 922, regarding William Andrew "Drew" Moberly, Liberty, which was adopted.

Senator Rohrbach offered Senate Resolution No. 923, regarding Mike Kehoe, Jefferson City, which was adopted. Senator Gross offered Senate Resolution No. 924, regarding Julie Eckstein, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 925, regarding Amie Stein, St. Charles County, which was adopted.

Senator House offered Senate Resolution No. 926, regarding Julie Leverenz, Bowling Green, which was adopted.

Senator House offered Senate Resolution No. 927, regarding Louis Hoelscher, which was adopted.

Senator House offered Senate Resolution No. 928, regarding Dan L. Brown, which was adopted.

Senators Gross and House offered Senate Resolution No. 929, regarding Becky Harris, Wentzville, which was adopted.

Senator Dougherty offered Senate Resolution No. 930, regarding the Ninetieth Birthday of Marguerite Malone Viveros, St. Louis, which was adopted.

Senators Gross and House offered Senate Resolution No. 931, regarding Ted Yeater, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 932, regarding Jeanette Claas, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 933, regarding Becky Witt, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 934, regarding Louis "Lou" Spalding, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 935, regarding Vernon Horstmeier, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 936, regarding Alan Loyd, St. Charles County, which was adopted. Senators Gross and House offered Senate Resolution No. 937, regarding John Rufkahr, Sr., St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 938, regarding William "Bill" Edelen, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 939, regarding Jim Ehlmann, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 940, regarding Michael "Mike" Blue, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 941, regarding Matt Regan, St. Charles County, which was adopted.

Senator Steelman offered Senate Resolution No. 942, regarding Mary Ann Glover, Mokane, which was adopted.

Senator House offered Senate Resolution No. 943, regarding William E. Rodak, Warrenton, which was adopted.

Senator Steelman offered Senate Resolution No. 944, regarding the death of Kelly L. Poynter, Lebanon, which was adopted.

Senator Klindt offered Senate Resolution No. 945, regarding Chief Warrant Officer Kevin A. Buckrucker, Sr., Clinton County, which was adopted.

Senator Sims offered Senate Resolution No. 946, regarding George R. Albin, DDS, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 947, regarding Warren H. Speiser, DDS, Florissant, which was adopted.

Senator Kennedy offered Senate Resolution No. 948, regarding Edward M. Croghan, DDS, St. Louis, which was adopted.

Senator Kinder offered Senate Resolution No. 949, regarding Dan B. Cotner, DDS, Cape Girardeau, which was adopted.

Senator Wiggins offered Senate Resolution No. 950, regarding Claron P. Western, DDS, Kansas City, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 951

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Missouri Jaycees organization has sought to instill leadership qualities in its members through its excellent mock legislature program; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for the purpose of their governmental and citizenship programs;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, hereby grant the Missouri Jaycees permission to use the Senate Chamber for the purpose of holding the Thirty-third Annual Missouri Jaycee Mock Legislature on Saturday, November 2, 2002.

Senators Steelman and Russell, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 952

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to recognize the lasting legacy of Kelly L. Poynter, a Trooper with the Missouri State Highway Patrol who was killed in the line of duty on January 18, 2002; and

WHEREAS, born to Clifford and Kathy Poynter in Lebanon, Missouri, on December 25, 1974, Kelly Poynter declared his love for the Lord at an early age when he was saved in faith at Second Baptist Church in Lebanon, and continued to glorify God as a member of the First Baptist Church in Houston; and

WHEREAS, on May 29, 1993, Kelly Poynter embarked upon a new and exciting chapter in his life when he married his beloved Alison Kerisha Bowman, a kind and loving woman who enjoyed every moment of his company until his untimely departure from this world; and

WHEREAS, Kelly Poynter distinguished himself as a stellar employee of the Laclede County Sheriff's Office before attending and graduating from the Missouri Law Enforcement Academy, 72nd Recruit Class in 1996, and earning his Associate's degree in Criminal Justice from Mineral Area College; and

WHEREAS, an avid outdoorsman who greatly enjoyed hunting, fishing, and NASCAR racing, Kelly Poynter began a rewarding career with Missouri State Highway Patrol Troop G in Houston on July 1, 1996, since which time he had earned the praise and respect of his fellow Troopers for his honor, integrity, and courage - characteristics which were evident at the time of his death as he pushed two individuals out of the way of the oncoming car that took his life; and

WHEREAS, preceded in death by his father, Clifford Poynter, his grandmother, Dorothy Woodard, and his grandfather, Neil Poynter, Kelly Poynter leaves behind to cherish his memory his devoted wife of eight years, Alison Poynter; his two sons, Kaleb Ray and Nathaniel Bryce Poynter; his mother and stepfather, Kathy and Kenny Moore of Lebanon; his sister, Crissy Poynter of Lebanon; his two stepsisters, Pam Middleton of Marshfield and Sally Escarcega of Phoenix, Arizona; his stepbrother, Bud Moore of Lebanon; his grandmother, Virginia Poynter of Lebanon; his grandfather, Glen Woodard of Mountain View, Arkansas; his mother and father-in-law, Dean and Hazel Bowman of Lebanon; and a host of aunts, uncles, nieces, nephews, cousins, colleagues, and friends:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in paying final tribute to Kelly Poynter, a loving husband, proud father, outstanding law enforcement officer, and fallen hero who will be sadly missed by all those who had the distinct pleasure of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the widow of the late Kelly L. Poynter, as an expression of our deepest sympathy.

The Senate observed a moment of silence in memory of Missouri State Highway Patrol Trooper Kelly L. Poynter.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 979–By Singleton.

An Act to repeal sections 174.020, 174.230, 174.231, 174.233 and 174.241, RSMo, relating to Missouri southern state college, and to enact in lieu thereof six new sections relating to the same subject.

SB 980–By Singleton and Schneider.

An Act to repeal section 334.540, RSMo, relating to the licensing of physical therapists, and to enact in lieu thereof one new section relating to the same subject.

SB 981-By Westfall.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the use of credit history for insurance purposes, with penalty provisions.

SB 982-By Kennedy.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for assistance and care for the disabled, with an effective date.

SB 983–By Sims and Kennedy.

An Act to amend chapter 38, RSMo, by adding thereto one new section relating to a joint committee on terrorism, bioterrorism, and homeland security, with an emergency clause.

SB 984-By Steelman.

An Act to repeal section 640.100, RSMo, relating to the department of natural resources, and to enact in lieu thereof one new section relating to the same subject.

SB 985–By Steelman.

An Act to repeal sections 644.573, 644.575 and 644.577, RSMo, relating to water pollution bonds, and to enact in lieu thereof three new sections relating to the same subject.

SB 986-By Steelman.

An Act to repeal section 209.292, RSMo, and to enact in lieu thereof one new section relating to the deaf and hard of hearing.

SB 987–By Childers.

An Act to repeal sections 67.1850, 82.1035 and 256.670, RSMo, relating to geographic information systems, and to enact in lieu thereof one new section relating to the same subject.

SB 988-By Caskey.

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

SB 989-By Caskey.

An Act to repeal section 137.082, RSMo, relating to the ad valorem property tax on new construction, and to enact in lieu thereof one new section relating to the same subject.

SB 990–By Cauthorn, Klindt, Foster, Childers and Steelman.

An Act to amend chapter 142, RSMo, by adding thereto one new section relating to biodiesel fuel.

SB 991-By Kinder.

An Act to repeal section 162.790, RSMo, relating to certain disabled students, and to enact in lieu thereof one new section relating to the same subject.

SB 992-By Johnson.

An Act to repeal section 447.721, RSMo, relating to lost and unclaimed property, and to enact in lieu thereof one new section relating to the same subject.

SB 993–By Rohrbach.

An Act to repeal section 321.130, RSMo, relating to residency requirements for fire protection district directors, and to enact in lieu thereof one new section relating to the same subject.

SB 994-By Rohrbach.

An Act to amend chapter 484, RSMo, by adding thereto one new section relating to the legal consumer's bill of rights.

SB 995-By Rohrbach.

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

THIRD READING OF SENATE BILLS

SCS for SBs 727 and 703, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 727 and 703

An Act to repeal section 307.173, RSMo, and to enact in lieu thereof one new section relating to tinted windows, with a penalty provision and an emergency clause.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, SCS for SBs 727 and 703 was read the 3rd time and passed by the following vote:

YEAS—Senators			MI
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senator Rohrbach—1

Absent with leave—Senator Schneider—1

Vacancies-1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Se	nators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman

Stoll Westfall Wiggins Yeckel—32

NAYS-Senators-None

Absent—Senators—None

Absent with leave—Senator Schneider—1

Vacancies—1

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Kenney moved that **SR 913** be taken up for adoption, which motion prevailed.

On motion of Senator Kenney, **SR 913** was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Boykins, Green (73), Green (15), Merideth, Ransdall, Wilson (42), Townley, Dolan, Miller and Reinhart.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to escort Lieutenant Governor Joe Maxwell and members of the Senate to the House Chamber. Representatives: Bland, Bowman, Lawson, Scheve, Villa, Williams, Crawford, Holand, Purgason and Berkstresser.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald A. Battelle, 1994 Kingsford Drive, Florissant, St. Louis County, Missouri 63031, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2003, and until his successor is duly appointed and qualified; vice, Col. Lee Payne, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Deron L. Cherry, Republican, 505 Northeast Oaks Ridge Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, Nancy Siwak, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were

read the 2nd time and referred to the Committees indicated:

SB 851—Transportation.

SB 852—Insurance and Housing.

SB 853—Labor and Industrial Relations.

SB 854—Pensions and General Laws.

SB 855—Civil and Criminal Jurisprudence.

SB 856—Local Government and Economic Development.

SB 857—Pensions and General Laws.

SB 858—Education.

SB 859—Education.

SB 860—Pensions and General Laws.

SB 861—Pensions and General Laws.

SB 862—Insurance and Housing.

SB 863—Education.

SB 864—Education.

SB 865—Agriculture, Conservation, Parks and Tourism.

SB 866—Agriculture, Conservation, Parks and Tourism.

SB 867—Transportation.

SB 868—Transportation.

SB 869—Local Government and Economic Development.

SB 870—Commerce and Environment.

SB 871—Public Health and Welfare.

SB 872—Commerce and Environment.

SB 873—Education.

SB 874—Education.

SB 875—Civil and Criminal Jurisprudence.

SB 876—Aging, Families and Mental Health.

SB 877—Aging, Families and Mental Health.

SB 878—Aging, Families and Mental Health.

SB 879—Public Health and Welfare.

SB 880—Education.

SB 881—Commerce and Environment.

SB 882—Pensions and General Laws.

SB 883—Ways and Means.

SB 884—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 885—Local Government and Economic Development.

SB 886—Commerce and Environment.

SB 887—Local Government and Economic Development.

SB 888—Commerce and Environment.

SB 889—Education.

SB 890—Education.

SB 891—Transportation.

SB 892—Commerce and Environment.

SB 893—Insurance and Housing.

SB 894—Ways and Means.

SB 895—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 897—Education.

SB 898—Education.

SB 899—Ways and Means.

SB 900—Commerce and Environment.

SB 901—Ways and Means.

SB 902—Ways and Means.

SB 903—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 904—Public Health and Welfare.

SB 905—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 906—Transportation.

SB 907—Transportation.

SB 908—Ways and Means.

SB 909—Ways and Means.

SB 910—Ways and Means.

SB 927—Ways and Means.

SB 928—Ways and Means.

SB 953—Ways and Means.

SB 955—Ways and Means.

SB 958—Judiciary.

SB 975—Ways and Means.

SB 978—Pensions and General Laws.

SJR 23—Rules, Joint Rules, Resolutions and Ethics.

SJR 24—Judiciary.

SJR 25—Ways and Means.

SJR 26—Ways and Means.

SJR 27—Education.

SJR 28—Judiciary.

SJR 30—Education.

SJR 31—Pensions and General Laws.

SJR 32—Transportation.

COMMUNICATIONS

President Pro Tem Kinder submitted the following hearing schedule:

> SENATE HEARING SCHEDULE 91st GENERAL ASSEMBLY SECOND REGULAR SESSION

JANUARY 21, 2002					
	Monday	Tuesday	Wednesday	Thursday	
8:30 a.m.		Commerce and Environment- SL (Steelman)	Civil and Criminal Jurisprudence- SCR 1 (Westfall)	Rules, Jt. Rules, Resolutions and Ethics - SL (Kenney)	
	-	Labor & Industrial Relations- SCR 2 (Loudon)		Agriculture, Conservation, Parks & Tourism- SCR 1 (Foster)	
9:00 a.m.		Aging, Families & Mental Health- SCR 1 (Sims)	Gubernatorial Appointments- SL (Kinder)	•	
1:00 p.m.		Transportation- SCR 2 (Westfall) Judiciary- SL (Klarich)	Public Health and Welfare- SL (Singleton)		
1:30 p.m.	Financial and Governmental Organization, Veterans' Affairs and Elections- SL (Yeckel)				
2:30 p.m.	Appropriations 2:30 - 4:00 p.m. SCR 2 (Russell)	Insurance and Housing SL (Rohrbach) Local Government & Economic Development-	Education- SCR 1 (Bentley)		
		SCR 1 (Childers)			
3:00 p.m.			Pensions and General Laws- SL (Gross)		
7:00 p.m.		Ways & Means SL (Gibbons)			
7:30 p.m.	Appropriations SCR 2 (Russell) 7:30 - 9:30 p.m.	Appropriations SCR 2 (Russell) 7:30 - 9:30 p.m.	Appropriations SCR 2 (Russell) 7:30 - 9:30 p.m.		

SL - Senate Lounge SCR 1 - Senate Committee Rm. 1, Room 118 SCR 2 - Senate Committee Rm. 2. Room 119

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 996-By Quick.

An Act to repeal sections 476.270 and 483.245, RSMo, relating to compensation of certain county employees, and to enact in lieu thereof two new sections relating to the same subject.

SB 997-By Quick.

An Act to repeal section 140.110, RSMo, relating to payment of certain taxes, and to enact in lieu thereof one new section relating to the same subject.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 953, regarding Luther A. Forrest, DDS, St. Louis, which was adopted. Senator Klindt offered Senate Resolution No. 954, regarding Roy L. Hinkle, DDS, Bethany, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Jared Barrett, Columbia.

Senator Mathewson introduced to the Senate, Phillip Santoli, Jefferson City.

Senator Stoll introduced to the Senate, his mother, Shirley Stoll, his brother, Mark Stoll, and his nephew, Thomas Stoll, Festus; and Brent Nelson, Kirksville.

On behalf of Senator Jacob, Senator Johnson introduced to the Senate, Iesha, Ta'nesha, Talicia and James, Columbia; and Iesha, Ta'nesha, Talicia and James were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.



FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 911-Foster, et al
SB 912-Mathewson
SB 913-Rohrbach
SB 914-Jacob
SB 915-Westfall, et al
SB 916-Dougherty, et al
SB 917-Dougherty and Sims
SB 918-Klarich
SB 918-Klarich

SB 918-Klarich SB 919-Klarich SB 920-Caskey SB 921-Sims, et al SB 922-Sims

SB 923-Sims SB 924-Sims

SB 925-Sims and Dougherty

SB 926-Kenney, et al

SB 929-Stoll SB 930-Stoll SB 931-Klarich SB 965-Stoll SB 932-Klarich SB 966-Kennedy SB 933-Yeckel SB 967-Kennedy, et al SB 968-Westfall and SB 934-Foster and Cauthorn Childers SB 935-Foster and SB 969-Westfall and Cauthorn Bentley SB 970-Westfall, et al SB 936-Foster SB 937-Foster SB 971-Klindt, et al SB 938-Cauthorn, et al SB 972-Klindt, et al SB 973-Klindt, et al SB 939-Wiggins and SB 974-Childers and **DePasco** SB 940-Wiggins, et al Westfall SB 976-Steelman, et al SB 941-DePasco SB 977-Quick SB 942-Schneider, et al SB 979-Singleton SB 943-Schneider SB 944-Goode and SB 980-Singleton and Schneider Schneider SB 945-Stoll SB 981-Westfall SB 946-Jacob and Wiggins SB 982-Kennedy SB 947-Klindt and Stoll SB 983-Sims and Kennedy SB 984-Steelman SB 948-Cauthorn, et al SB 985-Steelman SB 949-Bentley SB 986-Steelman SB 950-Gibbons and SB 987-Childers Klarich SB 951-Loudon SB 988-Caskey SB 952-Loudon SB 989-Caskey SB 954-Loudon SB 990-Cauthorn, et al SB 956-Loudon SB 991-Kinder SB 957-Loudon, et al SB 992-Johnson SB 993-Rohrbach SB 959-Kenney and Kinder SB 994-Rohrbach SB 960-Kenney, et al SB 995-Rohrbach SB 961-Wiggins, et al SB 962-Wiggins SB 996-Quick SB 963-DePasco SB 997-Quick SB 964-DePasco

HOUSE BILLS ON SECOND READING

RESOLUTIONS

SR 908-Steelman

Unofficial

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